

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

DAVID CROOKS,	) Cause No. 3:11-CV-221-RLM-CAN
	)
Plaintiff,	)
	)
v.	)
	)
JULIA BLACKWELL GELINAS;	)
MICHELE LORBIESKI ANDERSON;	)
MELANIE D. MARGOLIN;	)
LUCY R. DOLLENS,	)
	)
Defendants.	)
	)
	)
	)

**DEFENDANTS' MOTION TO DISMISS AMENDED COMPLAINT**

Defendants Michele Lorbieski Anderson, Lucy R. Dollens, Julia Blackwell Gelinas, and Melanie D. Margolin (collectively, “Defendants”), by counsel, move to dismiss the Amended Complaint filed by Plaintiff David Crooks (“Crooks”) with prejudice pursuant to: (1) Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction; and (2) Rule 12(b)(6) for failure to state a claim upon which relief can be granted. The Court lacks jurisdiction to hear this action because this action is barred by the Rooker-Feldman Doctrine as an improper attack a state court action. In addition, Plaintiff’s causes of action should be dismissed pursuant to Rule 12(b)(6) because: (1) the Federal Debt Collections Practices Act does not provide a cause of action stemming from the foreclosure of real estate; and (2) his common law claims for fraud and emotional distress fail to state cognizable claims as pled. Defendants respectfully request further that Plaintiff be denied the right to replead and that this action be dismissed with prejudice.

In accordance with Local Rule 7.1, Defendants have filed a supporting brief concurrently with this motion.

Date: September 29, 2011

FROST BROWN TODD LLC

By: /s/ David T. Kasper  
David T. Kasper, #10538-49  
Attorneys for Defendants Household  
Finance Corp, III, HSBC Mortgage  
Services, Julia Blackwell Gelinas, Michele  
Lorbieski Anderson, Melanie D. Margolin,  
and Lucy R. Dollens

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served this 29th day of September, 2011, via United States Mail, first postage prepaid, upon the following:

David L. Crooks, Pro Se  
2709 Neff Street  
Elkhart, Indiana 46514

I hereby certify that a true and accurate copy of the foregoing was filed electronically this 29th day of September, 2011. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

**Heidi K. Koeneman**  
Murphy Law Group  
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*/s/ David T. Kasper*  
\_\_\_\_\_  
David T. Kasper

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